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*Attorneys for Defendants
Jennifer Nash, Dr. Paul Bitar
and Scherrie Bean*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SHANNON CARTER,

Plaintiff,

vs.

S. BEAN, BITAR, and J. NASH,

Defendants.

Case No. 2:17-cv-01628-RFB-GWF

**MOTION FOR LEAVE TO FILE
EXHIBITS UNDER SEAL**

Defendants Jennifer Nash, Dr. Paul Bitar, and Scherrie Bean, by and through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, Matthew P. Feeley, Deputy Attorney General, hereby move for leave to file Exhibit A, pursuant to the Order of the Court, consisting of Plaintiff Shannon Carter's medical records and medical issues under seal. This Motion is based upon the following Memorandum of Points and Authorities and all papers and pleadings on file in this case.

MEMORANDUM OF POINTS AND AUTHORITIES

Defendants seek leave to file Exhibit A under seal. Exhibits A consist of Plaintiff's medical records.

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1 **I. LEGAL STANDARD**

2 LR 10-5(b) requires papers filed with the Court under seal to be accompanied by a
 3 motion for leave to file those documents under seal. LR 10-5(b). Courts have recognized a
 4 general right of the public to inspect and copy public records and documents, including
 5 judicial records and documents. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172,
 6 1178 (9th Cir. 2006). A party seeking to seal court records “must articulate compelling
 7 reasons supported by specific factual findings that outweigh the general history of access
 8 and the public policies favoring disclosure. *Id.* (internal quotation marks omitted).

9 **II. DISCUSSION**

10 Defendants seek leave to file Plaintiff’s medical records under seal because they are
 11 confidential documents pursuant to NRS 629.061, as well as the Health Information
 12 Protection and Portability Act (HIPAA). While a plaintiff may waive their right to
 13 confidentiality to an extent, the Plaintiff in this case has not provided a waiver.
 14 Accordingly, Exhibit A, consisting of Plaintiff’s medical records, should be filed under seal
 15 to prevent its entry into the public record, to limit Plaintiff’s personal possession of the
 16 documents, and to protect Plaintiff’s confidentiality.

17 Filing **Exhibit A** under seal will not prejudice Plaintiff because it will not deprive
 18 him of access to it.

19 Based on the foregoing, Defendants respectfully request that this Court grant
 20 Defendants’ Motion for Leave to File Exhibits Under Seal pursuant to the Order of the Court.

21 DATED this 10th day of October, 2018.

22 ADAM PAUL LAXALT
 Attorney General

23 IT IS SO ORDERED:

24 By: /s/ Matthew P. Feeley
 MATTHEW P. FEELEY (Bar. No. 13336)
 Deputy Attorney General

25 *Attorneys for Defendants*

26 
 27 RICHARD F. BOULWARE, II
 UNITED STATES DISTRICT JUDGE

28 DATED this 10th day of October, 2018.

CERTIFICATE OF SERVICE

I certify that I am an employee of the State of Nevada, Office of the Attorney General, and that on October 10, 2018, I electronically filed the foregoing **MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL** via this Court's electronic filing system. Parties who are registered with this Court's electronic filing system will be served electronically. For those parties not registered, service was made by depositing a copy for mailing in the United States Mail, first-class postage prepaid, at Las Vegas, Nevada, addressed to the following:

Shannon Carter, #70773
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070
Plaintiff, Pro Se

/s/ Carol A. Knight
CAROL A. KNIGHT, an employee of the
Office of the Nevada Attorney General